

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MARTI-NOVOA,

Plaintiff

v.

FORTUNO-BURSET, *et al.*,

Defendants.

CIVIL NO. 09-1355 (JAG)

ORDER

On August 13, 2012, Magistrate Judge Lopez issued two Report and Recommendations addressing the parties' respective Motions for Summary Judgment. (Docket Nos. 314, 315). The Court finds that the Magistrate Judge's Reports are well-founded in both the facts and law of this case. Accordingly, and after *de novo* review of the motions for summary judgment, the Reports, and the parties' objections to the same, the Court hereby **ADOPTS** the Reports in their entirety.

For the reasons stated above, the Court hereby **GRANTS IN PART** the motions for summary judgment filed by the MBA, and Fuentes and O'Neill in their official capacities. (Docket Nos. 208, 218). Furthermore, Plaintiff's motion for summary judgment, (Docket No. 213), is hereby **DENIED**. Finally, the municipality defendants' motion for summary judgment, (Docket No. 217) is hereby **GRANTED**.

As to the motion for summary judgment at Docket No. 208, the Court rules as follows: summary judgment is **GRANTED** in favor of Fuentes in her official capacity as to the First Amendment claim; **DENIED** as to the First Amendment claims against the MBA and O'Neill in his official capacity; and **DENIED** as to the Due Process claims against all defendants. With regard to the motion for summary judgment at Docket No. 218, the Court rules as follows: summary judgment is **GRANTED** in favor of Fuentes in her personal capacity; **DENIED** as to the First Amendment claim against Delgado; and **DENIED** as to the Due Process claims against Delgado and Fuentes.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 28th day of September, 2012.

S/ Jay A. Garcia-Gregory
United States District Judge